STATUTORY INSTRUMENTS

1982 No. 1467 (S.166)

COUNTRYSIDE

The Countryside (Scotland) Regulations 1982

Made - - - -	11*th October* 1982
Laid before Parliament	26*th October* 1982
Coming into Operation	16*th November* 1982

In exercise of the powers conferred on me by sections 14(3), 22, 26(1), 31(3), 34(3), 35(6), 37(2), 62(8) and 78(1) of, and paragraphs 1(1), 3 and 4 of Schedule 3 to, the Countryside (Scotland) Act 1967 (a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I

CITATION, COMMENCEMENT, INTERPRETATION AND REVOCATION

1. These regulations may be cited as the Countryside (Scotland) Regulations 1982 and shall come into operation on 16th November 1982.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"the Act" means the Countryside (Scotland) Act 1967;

"a public path creation order" means an order made under section 31;

"a public path diversion order" means an order made under section 35;

"a public path extinguishment order" means an order made under section 34;

"a public path order" means a public path creation order, a public path diversion order or a public path extinguishment order, and includes an order revoking or varying any such order.

(2) Any reference in these regulations to a section bearing a number is a reference to the section bearing that number in the Act.

3. The Countryside (Scotland) Regulations 1975 (b) are hereby revoked.

PART II

ACCESS TO OPEN COUNTRY

4. This Part of these regulations shall apply to the following maps:—

(a) any map required to be contained in an access order made under section 14 (hereinafter referred to as an "access order map");

(b) any map required to be prepared under section 26 (hereinafter referred to as a "rights of public access map").

(a) 1967 c. 86; paragraphs 1(1) and 4 of Schedule 3 were amended by Section 66(1) of, and paragraphs 11(a) and 11(e) respectively of Schedule 3 to, the Local Government and Planning (Scotland) Act 1982 (c.43).

(b) S.I. 1975/1032.

5. Any maps to which this Part of these regulations apply shall be on a scale not less than the scale shown opposite the description of that map in the following tables:—

Description of Map	Minimum Scale of Map
Access order map	1:10,000 or 1:10,560 where 1:10,000 is not available.
Rights of public access map	1:25,000 or 1:50,000 where 1:25,000 is not available.

6. Every access order map shall define the land comprised in the order by means of a green edging, and in addition, so far as it appears practicable to the authority making the order, shall identify—

(a) any land so comprised, which is subject to restrictions on access by virtue of the order, by means of green edging and green dots overall;

(b) any land so comprised, which at the time when the order is made is excepted land, by means of green vertical hatching edged green.

7.—(1) Every right of public access map shall identify land of any of the descriptions specified in Column 1 of the following table by means of the symbol specified opposite that description in Column 2 of the said table (enclosing an identification number if appropriate) on the said map:—

Column 1	*Column* 2
Land subject to an access agreement	□
Land subject to an access order	○
Land acquired and held under section 24	▲
Land acquired and held under section 25	◇

(2) Every right of public access map shall, in addition, so far as appears practicable to the authority required to prepare the map, define—

(a) any land comprised in an access agreement or order, which is subject to restrictions on access by virtue of the agreement or order, by means of a green edging and green dots overall:

(b) any land so comprised, which is for the time being excepted land, by means of green vertical hatching edged green;

(c) any land comprised in land acquired and held under section 24 or 25, from which, for the purpose of avoiding danger to the public or to persons employed thereon or for any other reason, the public are excluded, by means of green cross hatching edged green.

8. Inset maps on a larger scale than the minimum specified in regulation 5 hereof may be included in any map to which this Part of these regulations applies for the purpose of more particularly defining any part of any land and in the case of conflict between the map and the inset map the latter shall prevail.

PART III

FORM OF PUBLIC PATH ORDERS

9. A public path order shall be in the appropriate form (or substantially in the appropriate form) set out in Schedule 1 hereto with such modifications as the circumstances may require.

10. The map required to be contained in a public path order shall be on a scale of not less than 1:2,500 provided that the Secretary of State may in any particular case authorise a smaller scale.

11. In the case of any conflict between the map and the particulars contained in the schedule to the public path order, the schedule shall prevail.

PART IV

PROCEDURE FOR MAKING OF ORDERS

12. An order submitted to the Secretary of State for confirmation shall be accompanied by:—

(a) two copies of the order;

(b) a copy of any notice given before submission as required by Schedule 3 to the Act;

(c) a statement by the order-making authority of the grounds on which they consider the order should be confirmed;

(d) a copy of all representations and objections to the order; and

(e) in any case in which the Act requires the authority to obtain the consent of any other authority before the order is made, a certificate to the effect that such consent has been obtained.

13. After an order has been confirmed, or has taken effect by virtue of paragraph 2(1A) of Schedule 3 to the Act, the authority by whom the order was made shall, as soon as the requirements of paragraph 4 of Schedule 3 to the Act have been complied with, furnish the Secretary of State with a certificate to that effect.

14. Any proceedings required to be taken under the Act preliminary to the confirmation of a public path extinguishment order may be taken concurrently with any such proceedings preliminary to the confirmation of a public path creation order or a public path diversion order.

15. Any notice required to be given, published, served, affixed or displayed under Schedule 3 to the Act by an authority by whom an order is made shall be in the appropriate form (or substantially in the appropriate form) of Forms Numbers 1, 2, 3 and 4 set out in Schedule 2 hereto with such modifications as the circumstances may require.

16. Any notice or other document to be served on an owner, occupier or tenant in accordance with paragraphs 1(3), 2(3) or 4 of Schedule 3 to the Act shall at the beginning of such notice or document have clearly and legibly inscribed upon it in the following form, the words:

IMPORTANT—THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

and where the notice or document is sent otherwise than by a prepaid registered letter or by the recorded delivery service the cover under which it is sent shall in addition be endorsed in like manner.

17. In this Part of these regulations the expression "order" means a public path order or an access order made under section 14 and includes any order varying or revoking any such order.

PART V

CLAIMS FOR COMPENSATION

18.—(1) An application to record a claim to be entitled to an interest in land in respect of which compensation will become payable under section 20 in consequence of the coming into operation of an access order shall be in writing and shall be served on the planning authority by whom the access order was served by delivering it at the office of the authority addressed to the authority or by sending it by registered letter or by the recorded delivery service addressed as aforesaid.

(2) The time within which any such application shall be served shall be a period of six months from the coming into operation of the order in respect of which such claim is made.

(3) Any such application shall be accompanied by particulars of the interest in land in respect of which the claim is made, being particulars sufficient to identify approximately the boundaries of the land, and of the nature of the claimant's title thereto.

(4) *(a)* Every planning authority shall keep a register of the claims in respect of which application is made to them in accordance with this regulation containing the following information:—

(i) the name and address of the claimant;

(ii) the date of the application to record the claim;

(iii) particulars of the interest in land in respect of which the claim is made and of the nature of the claimant's title thereto and the order in respect of which the claim is made.

(b) Such register shall be kept at the office of the planning authority and shall be available for inspection by the public at all reasonable hours.

(5) Particulars of every such claim as is mentioned in paragraph (1) of this regulation in respect of which an application is served within the time and in the manner prescribed by this regulation shall be entered by the planning authority in the register within seven days of the serving of the application and entry thereof in the register shall be notified by the planning authority to the claimant in writing as soon as practicable after the entry has been recorded.

19.—(1) An application for the payment of compensation under section 20 in respect of a claim recorded in accordance with the immediately preceding regulation hereof shall be in writing and shall be served on the planning authority by whom the claim was recorded in like manner as prescribed for an application to record a claim in the immediately preceding regulation hereof.

(2) The time within which any such application shall be served shall be a period of six months after the end of the period after which compensation may be claimed under section 21.

(3) Any such application shall include a statement of the amount of compensation claimed and particulars of the applicant's title to receive the compensation claimed and shall be accompanied by sufficient documentary evidence of the applicant's title to the interest in land in respect of which compensation is claimed.

(4) The rate of interest payable on any compensation payable under section 20 shall be the rate payable in terms of regulations made under section 40(1) of the Land Compensation (Scotland) Act 1963 (a).

20. A claim for compensation under section 37 in consequence of the coming into operation of a public path order shall be in writing and shall be served on the authority by whom the order was made in like manner and within the like time as prescribed in regulation 18(2) hereof and shall include a statement of the amount of compensation claimed and the like particulars as prescribed in regulation 18(3) hereof.

21.—(1) A claim for compensation under section 62 in consequence of any work done under the powers conferred by section 61 shall be in writing and shall be served on the body by whom the work was carried out by delivering it at the office of the body addressed to the body or by sending it by registered letter or by the recorded delivery service addressed as aforesaid.

(2) The time within which any such claim shall be served shall be a period of six months from the date of completion of the work in respect of which the claim is made.

(3) Any such claim shall include a statement of the amount of compensation claimed and the like particulars as prescribed in regulation 18(3) hereof.

New St. Andrew's House,
Edinburgh.
11th October 1982

George Younger,
One of Her Majesty's
Principal Secretaries of State.

SCHEDULE 1

Regulation 9

Form No. 1

FORMS OF PUBLIC PATH ORDERS
PUBLIC PATH CREATION ORDER
COUNTRYSIDE (SCOTLAND) ACT 1967
(Name of order-making authority)
(Title of order)

Whereas it appears to the *(name of order-making authority)* that there is need for a [footpath] [bridleway] over the land to which this order relates;

And whereas the *(name of order-making authority)* are satisfied, having regard to the extent to which the [path] [way] would add to the [[convenience] [enjoyment] of a substantial section of the public] [convenience of persons resident in the area] and the effect which the creation of the [path] [way] would have on the rights of persons interested in the land (account being taken as to the compensation provisions of section 37 of the Countryside (Scotland) Act 1967 (hereinafter referred to as "the Act")), that it is expedient that the [path] [way] should be created;

(a) 1963 c.51.

And whereas it has proved impracticable to the *(name of order-making authority)* to create the [path] [way] by means of a public path creation agreement within the meaning of the Act;

[And whereas *(name of consenting authority or authorities)* have consented under Section 32(2) of the Act to the making of this order;]

Now therefore *(name of order-making authority)* in exercise of the powers conferred on them by section 31 of the Act and of all other powers enabling them in that behalf hereby make the following order:—

1. There shall be at the expiration of days from the date of [confirmation of this order by the Secretary of State] [the making of this order by *(name of order-making authority)*] a [footpath] [bridleway] over the land described in [Part 1 of] the Schedule hereto and shown coloured [purple] [green] on the map executed as relative to this order.

[2. Notwithstanding anything contained in this order *(name of statutory undertaker)* shall have the following rights over the land referred to in paragraph 1 hereof namely:— .]

[3. The rights conferred on the public by this order shall be subject to the limitations and conditions specified in Part II of said Schedule.]

[4. *(Provisions regarding expenses in terms of section 38(3) of the Act).*]

5. This order may be cited as the *(name of order-making authority and name of or reference to path or way)* Public Path Creation Order 19 .

Date

(Authenticate in the manner appropriate to the order-making authority.)

SCHEDULE

[PART I]

DESCRIPTION OF LAND

(Describe land in manner specified in section 38(4) of the Act)

[PART II

LIMITATIONS AND CONDITIONS

Part of [footpath] [bridleway] to which limitations and conditions specified opposite are to apply	*Limitations and Conditions*
(Describe part of same)	*(Specify the same)*]

Note: Omit the words in square brackets where inappropriate.

Form No. 2

PUBLIC PATH EXTINGUISHMENT ORDER
COUNTRYSIDE (SCOTLAND) ACT 1967
(Name of order-making authority)
(Title of order)

Whereas it appears to the *(name of order-making authority)* that the [footpath] [bridleway] to which this order relates is not needed for public use [having regard to the extent to which *(here specify the relevant Public Path Creation/Diversion Order)* would provide an alternative [path] [way]];

[And whereas *(name of consenting authority or authorities)* have consented under Section 32(2) as read with Section 36(1) of the Countryside (Scotland) Act 1967 to the making of this order;]

Now therefore the *(name of order-making authority)* in exercise of the powers conferred on them by section 34 of the Countryside (Scotland) Act 1967 and of all other powers enabling them in that behalf hereby make the following order:—

1. The public right of way over the land described in the Schedule hereto and shown coloured brown on the map executed as relative to this order shall be extinguished at the expiration of days from the date of [confirmation of this order by the Secretary of State] [the making of the order by the *(name of order-making authority)*].

[2. Notwithstanding anything contained in this order *(name of statutory undertaker)* shall have the following rights over the land referred to in paragraph 1 hereof, namely:— .]

[3. *(Provisions regarding expenses in terms of section 38(3) of the Countryside (Scotland) Act 1967).*]

4. This order may be cited as the *(name of order-making authority and name of or reference to path or way)* Public Path Extinguishment Order 19 .

Date

(Authenticate in the manner appropriate to the order-making authority.)

SCHEDULE

DESCRIPTION OF LAND

(Describe in manner specified in section 38(4) of the Act)

Note: Omit the words in square brackets where inappropriate.

Form No. 3

PUBLIC PATH DIVERSION ORDER
COUNTRYSIDE (SCOTLAND) ACT 1967
(Name of order-making authority)
(Title of order)

Whereas *(name and designation)* is the [owner] [tenant] [occupier] of land crossed by the [footpath] [bridleway] referred to in paragraph 1 of this order and has satisfied *(name of order-making authority)* that [for securing the efficient use [of that land] [of other land held therewith]] [for providing a [shorter] [more convenient] [path] [way]] it is expedient that the line of the [path] [way] should be diverted;

[And whereas the *(name of consenting authority or authorities)* have consented under section 32(2) as read with section 36(1) of the Countryside (Scotland) Act 1967 to the making of this order] [and] [*(name of authority)* have been consulted in pursuance of section 36(4) of the Act];]

Now therefore the *(name of order-making authority)* in exercise of the powers conferred on them by section 35 of the Countryside (Scotland) Act 1967 and of all other powers enabling them in that behalf hereby make the following order:—

1. The public right of way over the land described in Part 1 of the Schedule [1] hereto and shown coloured brown on the map executed as relative to this order shall be extinguished at the expiration of days from the date of [confirmation of this Order by the Secretary of State] [the making of this order by *(name of order-making authority)*].

[2. Notwithstanding anything contained in paragraph 1 of this order *(name of statutory undertaker)* shall have the following rights over the land referred to in the said paragraph, namely:— .]

3. There shall be at the expiration of days from the date of [confirmation of this order by the Secretary of State] [the making of the order by *(name of order-making authority)*] a [footpath] [bridleway] over the land described in Part II of the said Schedule [1] and shown coloured [purple] [green] on the said map.

[4. The rights conferred on the public by this order shall be subject to the limitations and conditions specified in schedule 2 hereto.]

[5. *(Provisions regarding expenses or responsibility for maintenance in terms of section 38(3) of the Countryside (Scotland) Act 1967).*]

6. This order may be cited as the *(name of authority and name of or reference to path or way)* Public Path Diversion Order 19 .

Date

(Authenticate in the manner appropriate to the order-making authority)

SCHEDULE [1]

PART I

DESCRIPTION OF LAND AFFECTED BY EXISTING PATH OR WAY
(Describe in manner specified in section 38(4) of the Act)

PART II

DESCRIPTION OF LAND AFFECTED BY NEW PATH OR WAY
(Describe in manner specified in section 38(4) of the Act)

[SCHEDULE 2

LIMITATIONS AND CONDITIONS

Part of [footpath] [bridleway] to which limitations and conditions specified opposite are to apply (Describe part of same)	*Limitations and Conditions (Specify the same)*]

Note: Omit the words in square brackets where inappropriate.

SCHEDULE 2 Regulation 15

FORMS OF NOTICES

Form No. 1

NOTICE OF PROPOSED PUBLIC PATH ORDER
COUNTRYSIDE (SCOTLAND) ACT 1967
(Name of order-making authority)
(Title of Order)

* To *(insert name and address of owner, occupier or tenant, as the case may be).*

Notice is hereby given that the above order is about to be made and submitted to the Secretary of State for confirmation, except that, in accordance with the provisions of paragraph 2(1A) of Schedule 3 to the above Act, if no representations or objections are duly made to the *(name of order-making authority)* or, if any so made are withdrawn, the order shall on being made take effect without it having to be submitted to the Secretary of State and without his confirmation.

The effect of the order as proposed will be to [create a [footpath] [bridleway] from to] [extinguish the public right of way from to] [divert the public right of way from to to a line from to] [[revoke] [vary] the Order 19 , so as to].

A draft of the order and of the map referred to therein together with the statement of the reasons for the making of the order has been deposited at and may be inspected free of charge there during office hours.

*If you wish to have sent to you in due course any notice to the effect that the order has come into operation and a copy of the order as operative you should write to the *(name and address of order-making authority)* giving your name and address to which these documents may be sent.

Compensation for depreciation or damage in consequence of the coming into operation of the order is payable in accordance with sections 37 and 70 of the above Act.

Any representation or objection with respect to the draft of the order may be sent in writing to *(name and address of order-making authority)* before and should state the grounds on which it is made.

Date

(Signature and designation of proper officer)

*Notes: *Insert only in a notice to be served.*
Omit the words in square brackets where inappropriate.

Form No. 2

NOTICE OF PROPOSED ACCESS ORDER
COUNTRYSIDE (SCOTLAND) ACT 1967
(Name of order-making authority)
(Title of order)

* To *(insert name and address of owner, occupier or tenant, as the case may be).*

Notice is hereby given that the above order made on the *(date)* is about to be submitted to the Secretary of State for Scotland for confirmation.

The effect of the order if confirmed without modification will be to enable the public to have access for open-air recreation to certain areas of open country in the Parish of

A copy of the order and of the map referred to therein together with the statement of the reasons for the making of the order has been deposited at and may be inspected free of charge during office hours.

*If you wish to have sent to you in due course any notice to the effect that the order has been confirmed and a copy of the order as confirmed you should write to the *(name and address of order-making authority)* giving your name and the address to which those documents may be sent.

Compensation for depreciation or damage in consequence of the coming into operation of the order is payable in accordance with sections 20, 21, 22, 23 and 70 of the above Act.

Any representation or objection with respect to the order may be sent in writing to the Secretary, Scottish Development Department, New St. Andrew's House, St. James Centre, Edinburgh EH1 3SZ, before and should state the grounds on which it is made.

Date

(Signature and designation of proper officer.)

*Note: *Insert only in a notice to be served.*

Form No. 3 NOTICE OF COMING INTO OPERATION OF PUBLIC PATH ORDER
COUNTRYSIDE (SCOTLAND) ACT 1967
(Name of order-making authority)
(Title of Order)

* To *(insert name and address of owner, occupier or tenant, as the case may be).*

Notice is hereby given that on the *(date),* the [Secretary of State for Scotland confirmed [with modifications] the above order.] [*(order-making authority)* made the above order which takes effect by virtue of the provisions of paragraph 2(1A) of Schedule 3 to the above Act.]

The effect of the order [as confirmed] is to [create a [footpath] [bridleway] from to] [extinguish the public right of way from to] [divert the public right of way from to to a line from to] [[revoke] [vary] the Order 19 , so as to].

A copy of the order [as confirmed] and of the map referred to therein has been deposited at and may be inspected there free of charge during office hours.

*Any person who wishes to claim compensation for depreciation or damage in consequence of the coming into operation of the order in accordance with sections 37 and 70 of the above Act should do so within the time and manner prescribed by the Countryside (Scotland) Regulations 1982 (S.I. 1982/1467), a copy of which may be purchased from Her Majesty's Stationery Office, 13a Castle Street, Edinburgh EH2 3AR. The Regulations are also available for inspection at the offices of *(order-making authority).*

The order becomes operative as from *(date),* but any person aggrieved by the order or desiring to question the validity thereof, or of any provision contained therein, on the grounds that it is not within the powers of the above Act or on the ground that any requirement of that Act or of regulations made thereunder has not been complied with in relation thereto, may, within six weeks from the date on which this notice is first published, make an application for the purpose to the Court of Session.

Date

(Signature and designation of proper officer)

*Notes: *Insert only in a notice to be served.*
Omit the words in square brackets where inappropriate.

Form No. 4 NOTICE OF COMING INTO OPERATION OF ACCESS ORDER
COUNTRYSIDE (SCOTLAND) ACT 1967
(Name of order-making authority)
(Title of order)

*To *(insert name and address of owner, occupier or tenant, as the case may be).*

Notice is hereby given that on the *(date)* the Secretary of State for Scotland [confirmed [with modifications]] the above order.

The effect of the order as confirmed is to enable the public to have access for open-air recreation to certain areas of open country in the Parish(es) of .

A copy of the order as confirmed and of the map referred to therein has been deposited at and may be inspected free of charge during office hours.

*Any person who wishes to claim compensation for depreciation or damage in consequence of the coming into operation of the order in accordance with sections 20, 21, 22, 23 and 70 of the above Act should do so within the time and in the manner prescribed by the Countryside (Scotland) Regulations 1982 (S.I. 1982/1467), a copy of which may be obtained from Her Majesty's Stationery Office, 13a Castle Street, Edinburgh. The Regulations are also available for inspection at the offices of *(order-making authority).*

The order becomes operative as from *(date),* but any person aggrieved by the order or desiring to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the above Act or on the ground that any requirement of that Act or of regulations made thereunder has not been complied with in relation thereto, may, within six weeks from the date on which this notice is first published, make an application for the purpose to the Court of Session.

Date

(Signature and designation of proper officer).

Notes: **Insert only in a notice to be served.*
Omit the words in square brackets where inappropriate.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which replace the Countryside (Scotland) Regulations 1975, prescribe various procedural matters in relation to the right of the general public to gain access to countryside areas in terms of the Countryside (Scotland) Act 1967. The Regulations reflect changes made to the Act by the Local Government and Planning (Scotland) Act 1982 which provides that, in cases where no objection has been maintained, Public Path Orders may take effect without the Secretary of State's confirmation.

Regulations 4 to 8 describe the forms of maps required by Part II of the Act in relation to public access to open country.

Regulations 9 to 11 provide for the form of Orders required under Part III of the Act to provide for the creation, extinguishment and diversion of public paths.

Regulations 12 to 17 describe the procedure to be followed in connection with the making and confirmation of Access Orders and Public Path Orders.

Regulations 18 to 21 set out the procedure for claiming compensation under sections 20, 37 and 62 of the Act.

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